

## **APPENDIX**

### **Chapter A160, PERSONNEL RULES AND REGULATIONS**

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 7-14-1986 by resolution. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

**Code of Ethics -- See Ch. 13.**

**Pensions -- See Ch. 46.**

**Personnel -- See Ch. 48.**

**Salaries and compensation -- See Ch. 57.**

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#### **ARTICLE I, Recruitment**

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##### **§ A160-1. Compliance with Charter and state law.**

Personnel recruitment follows any rules prescribed by Charter or statute.<sup>EN(1)</sup>

##### **§ A160-2. Announcement.**

- A. Public announcements. The First Selectman makes known vacancies in the classified services by posting announcements for such vacancies on official bulletin boards or in at least one newspaper having a general circulation in the area and in such other places as may be deemed necessary. Such notices shall conform to the affirmative action plan in force at the time.
- B. Promotional announcements. The First Selectman makes known vacancies to be filled by promotion by posting announcements for such vacancies on official bulletin boards.
- C. Information. Announcements specify the title and salary range of the position, nature of work to be performed, desired qualifications of prospective applicants, closing date for receiving applications and other information the First Selectman deems pertinent. Applications provided by the First Selectman are made on forms that include the town's equal employment opportunity statement.

**§ A160-3. References.**

As part of the preemployment procedure, former supervisors, employers and references provided by candidates are investigated. References and other checks are documented and made part of the applicant's file. These checks are made prior to an offer of employment and the information is part of the applicant's file. All such information is handled as privileged information to the extent permitted by applicable law.

**§ A160-4. Disqualification.**

A. Reasons for disqualification.

- (1) The First Selectman or his or her designee may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position or which was not filed by the announced closing date for receiving applications, unless prior to such date an extension of time has been publicly announced.
- (2) Further, the First Selectman may reject any application if the applicant is physically unfit for the performance of the duties of the position for which he/she seeks employment or has made any false statement of material fact or practiced any deception or fraud in his application.

B. Notification. Whenever any application is rejected, the First Selectman or his or her designee gives written notice to the applicant of such rejection, by first-class mail addressed to the latest address on the application form.

**§ A160-5. Nondiscrimination.**

- A. All policies are in accordance with the Town of Simsbury's Affirmative Action Plan, the Connecticut Fair Employment Practices Act and federal employment laws and regulations, as they may be amended from time to time. It is the policy of the Town of Simsbury to be an equal opportunity employer, and the town is firmly committed to prohibiting employment discrimination in violation of state and federal laws, as amended.
- B. Employment opportunities are extended on a nondiscriminatory basis without regard to an individual's race, creed, color, marital status, national origin, ancestry, disabilities not related to job performance, age or sex except in cases of bona fide occupational qualification or business need.

**§ A160-6. Coordination with other agencies.**

When hiring for positions that will have a responsibility for carrying out policies established by elected or appointed boards or commissions, the First Selectman seeks the advice of such boards or commissions as to the suitability of candidates for these positions.

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**ARTICLE II, Appointments**

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**§ A160-7. Charter provisions.**

- A. Appointments to fill vacancies within the classified service are made in accordance with Section 803 of the Town Charter.
- B. New positions within the classified service are established in accordance with Section 1002 of the Town Charter.

**§ A160-8. Notification.**

At the time of appointment, the First Selectman or department head notifies the appointee, in writing, of the following: rate of remuneration, hours of employment, flex-time schedule, where applicable, and wage payment schedule, and provides the employee with a copy of the job description of the position for which he/she has been hired.

**§ A160-9. Emergency appointments.**

In an emergency, the First Selectman may authorize the appointment of any qualified person to a position to prevent stoppage of public business or loss or serious inconvenience to the public. Such appointment is valid for the duration of the emergency without regard to the rules affecting appointments.

**§ A160-10. Probationary period.**

For securing the most effective adjustment of a new employee to his position and for determining that an employee's work meets required standards, all appointments are for a probationary period, normally not to exceed one year. In case of extended illness, the First

Selectman may extend the probationary period.

- A. Evaluation of performance. During the probationary period, the department head uses best efforts to submit quarterly reports to the First Selectman in writing, with a copy to the employee, evaluating the work of the employee.
- B. Dismissal. During the probationary period, a department head may dismiss an employee with the approval of the First Selectman, per §§ A160-47E and A160-50D and E. Criteria for dismissal would include but not be limited to demonstration of inability or unwillingness to perform the duties of the position, lack of dependability, habits which detract from job performance or incompatibility with supervisor. Notification of such dismissal is in writing.

**§ A160-11. Notification of permanent appointment.**

Upon the successful completion of the probationary period, the First Selectman or department head, by letter, notifies the employee of permanent appointment.

**§ A160-12. Medical examination.**

A medical examination showing ability to perform the position is required in all cases as a condition of employment. A standard medical form is supplied by the town for this purpose.

**§ A160-12.1. Drug testing. [Added 5-24-1993]**

All applicants for employment are required to successfully complete a urinalysis drug test as part of the preemployment screening process. A positive urinalysis test result will be considered sufficient grounds to disqualify an applicant from employment with the town. Prospective applicants who have positive test results may be reconsidered for employment with the Town of Simsbury after a waiting period of six months but will be required to successfully complete a urinalysis drug test prior to employment.

**§ A160-13. Residency requirement.**

Where deemed in the best interest of the town, the First Selectman may require residence in the Town of Simsbury as a condition of appointment.

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**ARTICLE III, Classification**

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**§ A160-14. Classification plan.**

The First Selectman is responsible for the preparation of a classification plan, which shall become effective upon approval by resolution of the Board of Selectmen. The classification plan is a statement of the duties and responsibilities of each position in the classified service, of the minimum qualifications for appointment and of the pay ranges for such positions. All positions in the classified services are grouped into grades. Written specifications are prepared for each position.

**§ A160-15. Classification of positions.**

The classification plan is so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same grade and that the same schedule of compensation applies with equity under like working conditions to all positions in the same grade. In the preparation of the classification plan, the First Selectman allocates every position in the classified service to one of the grades established by the plan as approved by the Board of Selectmen.

**§ A160-16. Reclassification.**

Positions, the duties of which have changed materially so as to necessitate reclassification, are allocated to a more appropriate grade, whether newly created or currently existing, in the manner set forth in §§ A160-14 and A160-15.

**§ A160-17. Development of classification plan.**

The classification plan is based on a comprehensive job analysis and is, to as great an extent as possible, consistent with the Dictionary of Occupational Titles published by the United States Department of Labor.

**§ A160-18. Positions to be classified.**

All positions except those that are the responsibility of the Board of Education are classified.

Included are all full-time, permanent part-time, part-time/seasonal, temporary and contractual positions. These positions are defined as follows:

- A. Full-time. A full-time employee is one employed for a minimum of 35 hours per week on a yearly basis and is entitled to all the fringe benefits offered by the town.
- B. Permanent part-time. A permanent part-time employee is one employed for a fixed number of hours, but less than 35 hours per week, on a yearly basis. Such employee may be paid on an hourly or salaried basis and is entitled to benefits as defined in Article VI.
- C. Part-time/seasonal. A part-time/seasonal employee is one employed in a position as needed. (Hours could vary from week to week or month to month.) Such employees are not entitled to town benefits.
- D. Temporary. A temporary employee is one employed in a position established for a specific period of time or for the duration of a specific project or group of assignments and is not entitled to town benefits.

**§ A160-19. Contractual employees.**

A contractual employee is a person hired under a negotiated, signed contract with the town and may or may not be in a position listed in the classification plan.

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**ARTICLE IV, Compensation**

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**§ A160-20. Preparation of plan.**

The First Selectman prepares and submits to the Board of Selectmen a pay plan for each grade in the classified service, showing the minimum and maximum rates of pay. In arriving at such salary ranges, consideration is given to prevailing rates of pay for comparable work in other public and in private employment, including consideration to conditions of work as well as basic pay, to current costs of living, to suggestions of department heads and to the town's financial conditions and policies.

**§ A160-21. Periodic review of plan.**

The First Selectman reviews the plan periodically and recommends to the Board of Selectmen necessary revisions so as to reflect changes in the area of economic conditions and to attract and

retain in the classified service qualified personnel.

**§ A160-22. Entrance salary rates for full-time employees.**

- A. Starting rate on initial employment. The entrance rate of pay for a grade is normally offered for recruitment purposes and is normally paid upon appointment to the grade. The First Selectman may approve initial compensation at a rate higher than the minimum rate of pay for the grade when the needs of the service make such action necessary, provided that:
- (1) The qualifications of the applicant are outstanding in relation to those of competing applicants, and the applicant's employment cannot be obtained at the minimum rate.
  - (2) There is a shortage of qualified applicants available at the minimum rate of pay.
- B. Entry salary. The entry salary during the probationary period may be 90% of the prevailing rate for experience within that job grade for the Town of Simsbury. An employee will not be hired below the minimum for that grade.
- C. Starting rate on return from military service. Any permanent employee who leaves the town service to enter the Armed Forces shall be reinstated to the extent required by state and federal law.

**§ A160-23. Salary rates for other than full-time employees.**

- A. Wage schedule for part-time/seasonal personnel.
- (1) Employees who work less than one-half (1/2) the normal workweek or less than 10 months per year are paid according to the following schedule:

<b>Service</b>	<b>Hourly Rate</b>
Less than 1 year	Minimum wage
More than 1 but less than 3 years	Minimum wage plus 10%
3 or more years	Minimum wage plus 20%

- (2) Exceptions to this wage schedule may be made for employees with special skills, at the

discretion of the First Selectman.

- B. Permanent part-time employees. Such employees are paid on an hourly basis at the wage schedule rate for specific positions.
- C. Recreation Department. Specific wage schedules for Recreation Department part-time/seasonal and temporary employees are maintained and reviewed annually.
- D. Commission clerks. The department head who works with a board or commission, with the assistance of the First Selectman, his or her designee, the Administrative Assistant, determines the amount from the wage schedule to pay persons staffing boards and commissions. A guaranteed minimum per meeting, established annually, is paid the commission clerk for each meeting attended.

**§ A160-24. Transfers or demotions.**

When a full-time or permanent part-time employee is transferred from a position in one grade to a position in another grade, the salary step should be adjusted so that he/she continues to be paid at the same rate. When a full-time or permanent part-time employee is demoted to a lower grade, his/her salary is set at a rate in a lower grade which provides appropriate compensation for the work assigned.

**§ A160-25. Promotions.**

When a full-time or permanent part-time employee is promoted, his salary shall be advanced to the new pay range.

**§ A160-26. Hourly employees.**

All hourly employees are paid for the actual number of hours worked during the pay period, including 1 1/2 times their regular rate of pay for any hours worked in excess of 40 in a single workweek.

**§ A160-27. Salaried employees.**

All salaried employees are paid their annual rate divided by the number of pay periods per year.

**§ A160-28. Absence without leave.**



Any employee absent without leave forfeits his pay for the entire duration of such absence.

**§ A160-29. Authorized leave.**

When absent because of authorized sick or vacation leave, each employee is paid at the regular rate.

**§ A160-30. Reserve duty.**

Advance payment of salary is allowed to an employee called for reserve duty, with the understanding that the employee will reimburse the town the amount paid to him/her for reserve duty; such reimbursement amount is not to exceed the amount of advanced pay. The employee must sign an agreement to reimburse the town the amount of his/her military pay if he/she wishes the town to provide his regular pay prior to his/her submission of a military pay voucher. Normal payroll deductions and town contributions for insurance purposes are continued to cover such periods.

**§ A160-31. Jury duty.**

The town continues to pay an employee's regular pay while he/she is on jury duty, with the understanding that the employee will reimburse the town the amount of jury duty pay when received, less travel expenses.

**§ A160-32. Payroll deductions.**

As required by law, the following two payroll deductions are taken from salary each paycheck:

- A. Withholding tax. Withholding tax, a predetermined percentage of a person's salary, is withheld, as required, towards such person's ultimate federal income tax payment.
- B. Social security. Social security, a deduction from a person's salary controlled by the Federal Insurance Contribution Act (FICA), is the basis for such person's future social security benefit. For each deduction made from a person's salary for contributions, the town pays an equal amount.

**§ A160-33. Credit union.**

Employees are eligible to join the Capitol Region Federal Credit Union and to request from the Finance Department that deductions be made from paychecks and automatically be deposited in

their Credit Union accounts.

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## **ARTICLE V, Hours and Conditions of Employment**

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### **§ A160-34. Attendance.**

All departments maintain attendance records for all employees and furnish reports periodically of such attendance to the First Selectman.

### **§ A160-35. Overtime.**

- A. Hourly employees. Hourly employees are compensated at overtime rates in accordance with applicable state and federal wage and hour laws.
- B. Department heads. In the case of department heads, attendance at meetings of town agencies and nominal overtime shall be considered part of the duties of the position and not ordinarily eligible for compensation in equivalent time or pay.
- C. Administrative grades. Compensatory time off may be granted to salaried employees, including supervisors and division heads, who are exempt from wage and hour rules for work performed on weekends beyond their regularly scheduled work week and for attendance at more than two meetings or departmental activities per month. Compensatory time shall be granted for staffing of Sunday programs at the library and in the Recreation Department. Compensatory time shall not be granted for job-related seminars or conferences outside of regular work hours unless required by the Department. Compensatory time is granted on an hour for hour basis. Up to 35 hours compensatory time may be accumulated; however, no more than 10 days total vacation and compensatory time may be carried over into a new fiscal year except in special circumstances. Department heads shall use discretion in approval of compensatory time for special occasions. Compensatory time must be used by the individual prior to termination. Financial compensation for compensatory time is not allowed at termination of employment. [Amended 10-10-1990]

### **§ A160-36. Outside employment.**

Outside employment is not encouraged for full-time employees. No employee of the town may engage in additional employment outside the official working hours without the knowledge of the First Selectman. Such notification is to be in writing.

- A. Preference of town employment. Any employee who engages in employment outside of his regular working hours is subject to call to perform his regular town duties first.
- B. Injury and illness. An employee who is injured while engaged in outside employment or who suffers any occupational illness attributed thereto is not eligible for sick leave.

**§ A160-37. Town supplies and equipment.**

Town employees will not use town supplies except for authorized town purposes. No town equipment is to be removed from town property without authorization.

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**ARTICLE VI, Benefits**

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**§ A160-38. Eligibility for fringe benefits.**

Full-time employees and permanent part-time employees who are employed for at least 1/2 of the department's normal workweek are eligible for the following fringe benefits. Where exceptions exist, benefits are specifically designated for permanent part-time employees and probationary employees.

**§ A160-39. Vacations.**

A. Vacation schedule for full-time employees.

- (1) All vacation time is taken in the vacation year (July 1 through June 30). Earned vacation will be granted on the July 1 following the date of appointment, based upon the following schedule:

<b>Service (as of July 1)</b>	<b>Vacation Entitlement</b>
Less than 1 full year	Prorated
1-6 full years	10 days
7-14 full years	15 days

<b>Service (as of July 1)</b>	<b>Vacation Entitlement</b>
15 full years	20 days
For each full year earned thereafter	Additional day per year with maximum of 25 days

- (2) For employees in Salary Grade A-4 or above (including the First Selectman), "service" time includes time accumulated in the same or similar positions with other employers when previous experience is a prerequisite for employment. The First Selectman may recommend exceptions to this policy to the Board of Selectmen.
- (3) The amount of such additional service time shall be negotiated with the employee by the Personnel Committee at the time of hiring and noted in personnel records.

B. Vacation schedule for permanent part-time employees.

<b>Service (as of July 1)</b>	<b>Vacation Entitlement Based on Average Number of Hours Worked in a Week</b>
Less than 1 full year	Prorated
1-6 full years	Multiplied by 2
7-14 full years	Multiplied by 3
15+ full years	Multiplied by 4

C. Overlapping and accruals.

- (1) Hourly and A-1 through A-7. The Board of Selectmen discourages carrying over of vacation days earned; however, in special instances, the First Selectman may permit carry-over up to a maximum of 10 days accrued for a period not to exceed six months.
- (2) Grade A-8 and above. All vacation time shall be taken in the vacation year (July 1 through June 30) with no overlapping or accruals from year to year without written approval of the First Selectman.

D. Credit upon termination.

- (1) For full-time employees, pay for accrued vacation time is provided upon separation. An employee is paid for vacation time earned the previous vacation year and not used up in the present vacation year.
- (2) Earned vacation pay is prorated to the date of termination of employment at the following rate: 1/12 of full vacation pay for each full month of completed service commencing July 1 and ending the next June 30. "Full vacation pay" means the amount of vacation pay the employee would receive if he had remained on the payroll in his employment status (at the time of termination) through the next succeeding June 30.

- E. Payment of salary in lieu of vacation. No additional salary is paid to an employee in lieu of vacation, since the purpose of a vacation is rest and relaxation.
- F. Break in service. Vacation time is determined by the length of continuous service. For purposes of computing vacation time, employees who leave the town service and are later restored are considered as new employees.
- G. Advanced vacation. No employee may take vacation time beyond the amount earned except in the most unusual of circumstances. Requests for advanced vacation must be submitted by the department head to the First Selectman in writing.
- H. Advanced vacation pay. In order for employees to receive vacation pay in advance, the personnel action form reporting vacations to be taken must be received in the Finance Department at least one week before the day of last payroll distribution before the start of vacation to allow for the drawing of the check.
- I. Use of individual vacation days. Any employee with 20 vacation days or less may not take more than five single-day increments. Anyone who has accrued more than 20 days' vacation per year may not take more than 10 days in single increments. [Added 6-27-1988]
- J. Holiday celebrated during vacation, Observed holidays established by these rules are not considered in the computation of vacation credit as a part of the vacation time.
- K. Sickness while on vacation. An employee who becomes ill while on vacation may not charge such illness to sick leave unless a medical certificate confirms said illness.
- L. Crediting vacation time to sick leave. In the event an employee's sick leave is exhausted, earned vacation time may be credited to sick leave.
- M. Leave without pay for family sickness. A department head may approve an employee's request for leave without pay for family sickness up to a maximum of 10 days per fiscal year. An employee may opt to use earned perfect attendance days or vacation days in accordance

with Subsection I for family sickness. [Added 10-10-1990]

**§ A160-40. Sick leave. [Amended 10-10-1990]**

When it is necessary for an employee to take sick leave due to nonoccupational illness or disability, the salary of the full-time employee may be continued for a period not to exceed six months upon the approval of the First Selectman and based on the nature of the disability or illness and the service record of the employee and the recommendation of an attending physician. The town may require a second opinion from a town-chosen physician. Permanent part-time employees are paid their regular weekly pay for sick leave up to six months and only for actual time worked thereafter. A paid sick leave up to one month's pay is granted to probationary employees.

- A. Notification of illness. In order to be paid for sick leave, an employee must notify his department head within one hour of the time the employee is due to report for duty, unless otherwise specified by the department head.
- B. Use of sick leave. Sick leave is not considered a privilege to be used at an employee's discretion, but is allowed only in the following cases:
  - (1) Personal sickness or physical incapacity, resulting from causes beyond the employee's control, for which compensation is not payable by any employer under the terms of the Workers' Compensation Act of the State of Connecticut.
  - (2) Enforced quarantine of the employee in accordance with community health regulations.
- C. Abuse of sick leave privilege. Abuse of sick leave privilege is considered a sufficient cause for discipline up to and including dismissal.
- D. Medical reporting requirements.
  - (1) Consecutive days of sick leave. An employee must supply a doctor's certificate or other proof of illness for absence due to sick leave in excess of three consecutive days. For absences of more than five consecutive days, an employee must supply a doctor's certificate, which includes the anticipated length of the employee's absence, the date the employee can safely return to work and any physical limitations imposed by the illness.
  - (2) Nonconsecutive sick leave absences. After five nonconsecutive occurrences of sick leave in any twelve-month period, the department head may require a doctor's certificate for future sickness if it appears that there has been an abuse of sick leave. Additional paid sick days must be requested from and approved by the department head and the First Selectman.

- E. Earned days for perfect attendance. Full-time employees who have perfect attendance will earn one day per calendar quarter plus one additional day for perfect attendance for four consecutive quarters. "Perfect attendance" means there are no absences due to sick leave; leaves of absence; habitual tardiness (not approved by the supervisor); or interruptions to work (unless supervisor grants approval to make up time lost, or due to a work-related injury). Perfect attendance days may be taken as earned, may be used for family care or may accrue as additional vacation time to be taken in the fiscal year following the year in which they were earned or they will be lost.
- F. Accounting of sick leave and perfect attendance days. Sick leave and perfect attendance days are recorded regularly in the personnel records, and the First Selectman reviews all such records periodically.

**§ A160-41. Holidays.**

A. Paid Holidays.

- (1) The following holidays are granted with pay: [Amended 6-27-1988]

New Year's Day

Martin Luther King, Jr., Day

Washington's Birthday

Good Friday

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Friday following Thanksgiving Day

Christmas

- (2) Two additional holidays will be observed each year. The dates of these holidays are determined by the First Selectman.
- B. When a holiday falls on a Saturday, the preceding Friday shall be the day off, and when a holiday falls on a Sunday, the following Monday shall be the day off. Exceptions to this section are at the discretion of the First Selectman.
- C. Attendance on days prior to and immediately after a holiday. Employees are not paid for holidays unless they work the last scheduled day prior to the holiday and the first scheduled day after the holiday unless such employees are on vacation or on leave authorized by the First Selectman or department head.
- D. Permanent part-time employees receive holiday pay based upon 1/5 of their average week's pay for each holiday.

**§ A160-42. Leaves of absence.**

- A. Occupational injury leave.
  - (1) "Injury leave," as distinguished from sick leave, means paid leave given to an employee because of the absence from duty caused by an accident or injury that occurred while the employee was engaged in the performance of his/her duties.
  - (2) The town may supplement for a period not to exceed six months the payments made under workers' compensation insurance so that the employee will receive his/her normal weekly pay for the period of time he/she is on injury leave. The employee must sign an agreement to reimburse the town the amount of his/her workers' compensation pay if he/she wishes to be paid by the town prior to his/her submission of the workers' compensation pay voucher.
- B. Leave of absence. The First Selectman, upon recommendation of the department head, may grant leaves of absence when necessary, with or without pay, up to a maximum of 60 working days. The Board of Selectmen may grant leaves of absence for periods longer than two months.
- C. Maternity disability leave. Disability due to pregnancy, childbirth and attendant conditions shall be treated in the same manner as a personal illness or injury for all job-related purposes. Female employees are eligible for a maternity disability leave of absence for a reasonable period, normally not to exceed six weeks, following date of delivery. During any period of actual physical disability related to pregnancy, childbirth and attendant conditions, the employee is eligible for sick leave with pay to the extent permitted under these rules for



personal illness or injury.

D. Child-rearing leave.

- (1) Any employee may request an unpaid leave of absence for a minimum period of 10 working days, not to exceed 60 working days, to attend to a newborn or newly adopted infant. Such requests may be granted with the approval of the First Selectman if absence would not unduly interfere with town services.
- (2) During this period all employee benefits, inclusive of medical and pension benefits, will remain in full force and effect.

E. Bereavement pay. The town allows up to three days off for death in the immediate family (mother, father, sister, brother, husband, wife, son, daughter, grandmother, grandfather) and one day off for the death of other relatives.

F. Military leave. The First Selectman grants military leave upon request for active duty in the National Guard or Armed Forces in accordance with Section 7-461 of the General Statutes of the State of Connecticut.

**§ A160-43. Reimbursement for courses and training programs.**

The following are conditions to reimbursement by the town for any course or training program:

- A. Request in writing to the department head stating the name of the course and cost.
- B. Prior approval by the department head and First Selectman.
- C. No more than two courses per year.
- D. Course must be work-related or considered an asset to the job function.
- E. Course must be successfully completed for reimbursement.
- F. Reimbursement will be at the rate of 50% for full-time employees and 25% for permanent part-time employees.
- G. Courses necessary to meet requirements of the town are exempted from this provision, with exception of Subsection B above.

**§ A160-44. Insurance benefits.**

The town provides a health insurance plan, including family coverage, life insurance and long-term disability insurance, to all full-time employees. Permanent part-time employees may

join the group insurance plans except long-term disability, with the town paying 50% of the premiums for the employees, not dependents, of those who choose to join. Dependents may be included in health insurance coverage with the employee paying 100% of dependents' premium.

A. Retirees.

- (1) Employees who are eligible and who retire before age 62 have the option of remaining on the town's group health coverage at their own expense. At age 62, the town begins providing payment for a retired employee's health coverage, provided that coverage had not been discontinued. Those who elect to leave the plans may not reenter. If the insurance carrier rejects the continuance of any Simsbury retiree as a member of the group, the town will not be held liable for continuing in any other manner. Retirees pay 100% for spouse and dependents' coverage.
- (2) Anyone who has retired prior to January 1, 1992, will be grandfathered in at the current cost of \$16 for supplemental medicare insurance; and those retiring after January 1, 1992, will pay 25% of the supplemental medicare insurance premium charged to the town. [Added 10-16-1991]

B. During an employee's absence under the town's disability plan or workers' compensation, the town continues to pay the employee's fringe benefits. It is the employee's responsibility to continue payment for any contributory portion of benefits.

**§ A160-45. Pension plan.**

Full-time employees who meet the eligibility requirements of the plan are covered by the town's pension plan.<sup>EN(2)</sup> Contract employees and permanent part-time employees are not eligible to participate.

**§ A160-46. Deferred compensation.**

All full-time nonunion employees are eligible to participate in the deferred compensation plan in accordance with applicable federal and state laws.

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**ARTICLE VII, Separations**

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**§ A160-47. Types.**

All separations from the classified service are designated as one of the following types and are accomplished in the manner indicated: resignation, layoff, disability, retirement, dismissal and death.

- A. Resignation. An employee in good standing desirous of leaving the classified service files with his department, at least two weeks before leaving the service, a written resignation stating the effective date and reasons for leaving. The department head may permit a shorter period of notice because of extenuating circumstances. The resignation is forwarded to the First Selectman with a statement by the department head as to the resigned employee's service performance and pertinent information concerning the cause of resignation. Failure to comply with this rule may be cause for denying future employment with the town. When possible, an employee who is leaving classified service will be scheduled with his department head or the First Selectman or designee for an exit interview.
- B. Layoff. When a position must be discontinued or abolished for reasons including but not limited to a change in job requirement, reorganization, lack of work or lack of funds, the department head submits a report to the First Selectman, together with a recommendation as to the employee to be laid off.
  - (1) Order of layoff. The First Selectman determines the order of layoff of employees on the basis of their relative suitability, competence and performance for the jobs that remain and length of continuous service with the town, except that no full-time or permanent part-time employee shall be separated while there is a temporary or probationary employee in any grade performing duties for which the permanent employee is qualified, provided that the employee makes application for the position.
  - (2) Notice of layoff. Employees subject to layoff are notified in writing not less than two calendar weeks prior to the effective date.
  - (3) Reemployment list. If certified as having given satisfactory service, the name of the employee laid off is placed on a reemployment list for a period of one year. Time spent on the reemployment list does not constitute a break in continuous service.
- C. Disability. An employee may be separated for disability when he cannot successfully perform the required duties because of a physical or mental impairment. Action may be initiated by the employee, his legal representative or the town, but in all cases it must be supported by medical evidence. The town may require an examination at its expense to be performed by a physician of its choice.
- D. Retirement.
  - (1) Retirement plan. The town participates in the Federal Social Security Program. Contributions are based on federal regulations.

- (2) Eligibility. The Board of Selectmen shall provide a system of retirement allowance for the town's permanent full-time employees meeting eligibility requirements as set forth in the contract with the insuring company.
  - (3) Maximum years of service. The normal retirement age for employees is 65. The mandatory retirement age for all full-time employees is 70 pursuant to state and federal law.
- E. Dismissal. At any time during or after the probationary period, a department head, with the approval of the First Selectman, may dismiss, in accordance with §§ A160-10B and A160-50D, an employee whose performance does not meet the required standards.
- F. Death. Separation is effective as of the date of death. All compensation due in accordance with § A160-49 is paid to the estate of the employee, except for such sums as by law may be paid to the surviving spouse.

**§ A160-48. Conditions of separation.**

At the time of separation and prior to final payment, all records, assets or other items of town property in the employee's custody are transferred to his/her department head. Any amount due because of a shortage in the above will be collected through appropriate action.

**§ A160-49. Payment of earned compensation and leave.**

Employees who leave the town service in good standing receive payment for all earned vacation leave.

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**ARTICLE VIII, Disciplinary Action**

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**§ A160-50. Procedure.**

Ordinarily, disciplinary action for full-time and permanent part-time employees is a four-stage process, except in the case of a serious offense. The First Selectman may depart from the following order or omit steps where warranted by the nature of the offense. The four stages are as follows:

- A. Oral reprimand. The superior gives the employee a verbal warning for poor job performance. At this time, the supervisor outlines the specific problems and areas that need to change and

informs the employee of further disciplinary action in the case of continued poor performance. Oral reprimands are documented by the supervisor and placed in the employee's personnel file with a copy to the employee.

- B. Formal reprimand. The supervisor gives the employee a formal reprimand in writing and places it in the individual's personnel file. The written reprimand includes the date and description of the incident, reference to the personnel policy which is violated and statement of further disciplinary action should the situation not improve, and is to be signed by the employee, with a copy given to the employee.
- C. Suspension. The supervisor may remove the employee from his job and suspend him/her with or without pay with the signed approval of the department head and First Selectman for a period not to exceed 30 days. A written memorandum outlines the circumstances leading to the suspension and sets goals for improvement. It is reviewed with and signed by the employee and permanently placed in the employee's personal file.
- D. Dismissal or demotion.
  - (1) If previous discipline has not resulted in the required improvement or when the misconduct is serious enough to warrant this action, the First Selectman may dismiss or demote the employee. The basis for dismissal or demotion is summarized in a letter of dismissal or demotion to the employee, with approval of the department head and the First Selectman.
  - (2) Dismissal of probationary employees is in accordance with § A160-10B. Rules that apply to probationary employees under § A160-10B also apply to part-time/seasonal and temporary employees as defined in § A160-18C and D.
- E. Prior to dismissal, an employee may request in writing a hearing before his/her supervisor and/or the First Selectman. Upon such written request, the department head and/or First Selectman will conduct a hearing within a reasonable time.

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## **ARTICLE IX, Grievances and Appeals**

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### **§ A160-51. Reasons for filing grievance.**

Reasons for grievance filing are as follows:

- A. Discharge, suspension or other disciplinary action.

- B. Charges of prohibited discrimination.
- C. Interpretation of job description.
- D. Interpretation of town or department policies.

**§ A160-52. Grievance procedure.**

A. Time limits.

- (1) Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each step is considered as a maximum. The time limit specified may, however, be extended by written agreement.
- (2) If an employee does not file a written grievance at Step 1 of the formal procedure within three days after the employee knew or can reasonably be expected to have known of the act or condition on which the grievance is based, then the grievance is considered waived.
- (3) Failure of the aggrieved at any step to appeal a grievance to the next step within the specified time limits is deemed to be acceptance of the last decision rendered.
- (4) Failure of the town to render a decision within the specified time limit is deemed to be denial of the grievance submitted, and the aggrieved may proceed to the next step within the time limit which would apply if a written denial had been rendered on the day on which the time period for response expired.

B. Full-time and permanent part-time employees. For employees under § A160-18A and B, employee grievances concerning the administration of these rules are presented as follows:

- (1) The aggrieved employee first notifies his immediate supervisor in writing of the nature and facts of the grievance within three working days after its occurrence. The immediate supervisor meets and discusses the grievance with the employee and notifies him/her of his decision in writing within six working days after the employee's notification.
- (2) If a satisfactory solution is not reached under Subsection B(1) above, the employee submits the nature and facts of his grievance in writing to the department head within two working days of the conclusion of action under Subsection B(1) above. After the department head receives such grievances, he/she meets as soon as practical and discusses the matter with the concerned parties and notifies the employee of his decision in writing within six working days of the meeting. If the employee's immediate supervisor is the department head, he or she proceeds to Step 3.
- (3) Grievances not settled at the department level or for which a reply is not given in the

specified time are submitted in writing to the First Selectman within two working days of the completion of action under Subsection B(2) above. The First Selectman then meets with the employee and such other persons as the First Selectman deems necessary for the discussion and settlement of the grievance. The First Selectman renders a written resolution of the grievance within 10 working days of its receipt [Amended 11-26-1990]

- (4) Grievances that cannot be settled by the First Selectman may be submitted to the Personnel Committee for final decision within two days of completion of action under Subsection B(3) above. [Added 11-26-1990<sup>EN(3)</sup>]
- (5) The Personnel Committee substitutes for the First Selectman on all grievances initiated by persons whose appointment and removal is made by the First Selectman, for the second step in the process. If the matter remains unresolved, these employees may submit the grievance to the full Board of Selectmen. [Amended 11-26-1990]
- (6) The First Selectman is notified immediately of each step of the process. In the case of a supervisor below department head level receiving the first notice, the department head is also notified.

C. Part-time/seasonal, temporary and probationary employees. For employees under §§ A160-18C and D and A160-10 and probationary employees, grievance procedures follow the steps in Subsection B above, except that part-time and temporary employees are not eligible for hearings beyond the department head and First Selectman.

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## **ARTICLE X, Status Change**

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### **§ A160-53. Transfer.**

Transfer of an employee from one position to another without change in grade may be effected when:

- A. The employee meets the qualification requirements; or
- B. Further training and development of an employee in another position is beneficial to the future staffing potential of the town.

### **§ A160-54. Promotion.**

Insofar as practicable and consistent with the best interest of the town, vacancies in the classified service may be filled by promotion from within the classified service. No supervisor shall deny

any employee permission to apply for promotion opportunity in any town office or department. When the First Selectman determines that an insufficient number of well-qualified employees are available from within the classified service, he/she may consider outside applicants along with town employees in order to provide an adequate number of candidates for consideration. In all cases, the town may require successful completion of certain job-related courses as a condition to promotion.

**§ A160-55. Demotion.**

For reasons other than disciplinary action, an employee may be demoted to a position of lower grade for which he/she is qualified for reasons including but not limited to the following:

- A. When an employee would otherwise be laid off because his/her position is being abolished; his position is reclassified to a lower or higher grade; lack of work; lack of funds; or because of the return to work from authorized leave of another employee to such position in accordance with these rules.

**§ A160-56. Other changes in status.**

The town will use its best efforts to find alternate work for an employee temporarily disabled or who suffers an injury that does not allow him/her to perform usual work.

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**ARTICLE XI, Records and Reports**

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**§ A160-57. Personnel records.**

The First Selectman maintains an adequate record of his/her official acts under these rules and the employment record of every employee. Personnel records, the disclosure of which would constitute an invasion of personal privacy, are not deemed public records and are considered confidential. Upon request, an employee may examine his own personnel file during normal business hours in accordance with procedures established by the Personnel Department.

**§ A160-58. Personnel reports.**

Department heads submit, promptly, data on proposed appointments, status changes or separations pertaining to the classified service at such time, in such form and with such



supporting information as these rules prescribe or as the First Selectman deems necessary.

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## **ARTICLE XII, Interpretation**

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### **§ A160-59. Scope.**

All employees, with the exception of Board of Education employees, are covered by these rules and regulations.

### **§ A160-60. Relationship to collective bargaining agreements.**

Collective bargaining agreements take precedence over the provisions of these rules and regulations.

### **§ A160-61. Relationship to department manuals.**

Department manuals as approved by Board of Selectmen take precedence over these rules and regulations.

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## **ARTICLE XIII, Applicability**

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### **§ A160-62. Applicability of personnel rules and regulations.**

The contents of this manual are the personnel policies and rules of the Town of Simsbury. The town reserves the right to modify, revoke, suspend, terminate or change any or all such policies or rules, in whole or in part, at any time or without prior notice. The language used in the personnel policies and rules is not intended to create nor is it to be construed to constitute a contract between the town and any or all of its employees.

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## **Chapter A161, PURCHASING**

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[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 3-23-1992.EN(4)  
Amendments noted where applicable.]

**GENERAL REFERENCES**

**First Selectman duties -- See Charter Section 602.  
Expenditures and accounting -- See Charter Section 912.**

**§ A161-1. Purpose; objectives.**

- A. Be it resolved by the Board of Selectmen of the Town of Simsbury that in order to amplify Sections 602 and 912 of the Town Charter and to provide a systematic and uniform standard of purchasing policies, the Board hereby adopts the following procedures which are incorporated into this chapter.
- B. Purchasing objectives:
- (1) To procure materials, supplies, equipment, public improvements, and services at the lowest cost consistent with the quality and service rendered.
  - (2) To conduct purchasing without regard to political affiliation, race, sex, age, religion, national origin, disability, family relationship or business associations of vendors, contractors or consultants.

**§ A161-2. Purchase orders required.**

All proposed purchases shall be supported by a purchase order issued prior to purchase, signed by the issuing department head and the Finance Director or his agent. Oral approval may be given in emergencies but shall be followed immediately by a written purchase order.

**§ A161-3. Annual orders.**

Annual orders of items used on a volume basis, which exceed, in the aggregate, \$2,000, shall follow the procedures outlined below. No scheduled purchase on the annual order shall exceed \$100 unless authorized by a purchase order.

**§ A161-4. Verbal and written quotes.**

Purchases in amounts from \$500 to \$2,000 shall have documented verbal quotes, whenever possible, from at least three vendors. Purchases in amounts from \$2,000 to \$7,500 shall have written quotes, whenever possible, from at least three vendors.

**§ A161-5. Bids; contracts required.**

Purchases or contracts expected to exceed \$7,500 shall require formal sealed bids and the execution of a written contract between the lowest responsible, qualified bidder and the Town. Such sealed bids shall be opened in public at the time and place designated in the specifications. The Town may accept substitutes that meet the same criteria as outlined in the specifications. Requests for formal sealed bids shall be issued by the issuing department head, received by the date due and turned in to the Finance Director.

- A. Bids expected to be between \$7,500 and \$25,000 shall be solicited from at least three vendors from a list of interested vendors. The vendor list shall be maintained, updated, and distributed by the Finance Director or his agent. A notice shall be published in a newspaper having a general circulation in the Hartford area, during the first week of May and the first week of June each year, inviting all interested vendors and contractors to submit their names and area of interest to the Finance Director. Vendors may be added to the list at any time, or at the initiative of the Finance Director. Every attempt shall be made to retain a list containing no fewer than three vendors. In case of exception, approval of the Board of Selectmen shall be required.
- B. Purchases or contracts expected to exceed \$25,000 shall be advertised at least 10 days prior to the bid opening in a newspaper having a general circulation in the Hartford area by means of a formal "invitation to bid."
- C. An appropriate fee may be charged for a copy of plans and specifications, said fee, or portion thereof, to be refunded upon return of the plans and specifications within the designated period.
- D. A bid bond equal to 5% of the bid, a 100% performance bond and a 100% labor and materials or payment bond shall be posted for all contracts in excess of \$15,000, other than commodities, in a manner acceptable to the Director of Finance.

**§ A161-6. Awarding of contract.**

The Finance Director or the First Selectman is authorized to award contracts, with the following exception, which shall be awarded by action of the Board of Selectmen: any bid other than the lowest responsible bid when the contract or purchase is in excess of \$5,000.

**§ A161-7. Signing of purchase orders or contract.**

- A. The Finance Director and/or First Selectman is authorized to sign all purchase orders. The

First Selectman is authorized to sign all formal contracts approved under the appropriate procedure as stipulated herein.

- B. Under an existing contract, any change order which increases the contract amount shall be subject to prior budgetary approval by the Finance Director and approved by the First Selectman for any change in the scope of the project.

**§ A161-8. Rejection of bids.**

The board, person or agent having the authority to award may reject any or all bids, part of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, or waive defects in same when the public interest will be served best thereby.

**§ A161-9. Determination of equal bids.**

In the case of equal bids involving a local and outside vendor, the local vendor shall be given preference, providing that both are equally qualified to perform the service. If two equally qualified outside (local) bidders submit equal bids, the winner shall be selected by drawing lots or the flip of a coin.

**§ A161-10. Exemption from bids.**

- A. Purchases made through or on the basis of regional or state agency bids shall be exempted from any bidding procedures.
- B. A purchase may be made or contract awarded for a supply, service or construction item without a competitive bid when it is determined that there is only one source for the required supply, service or construction item. Such determination shall be made after appropriate advertisement in the newspaper, trade magazine, or similar medium of general circulation.

**§ A161-11. Professional services contracts.**

Contracts for professional services (legal, engineering, architectural, etc.) shall not be governed by these regulations, but every effort shall be made to secure well-qualified professionals at the best terms possible for the Town.

**§ A161-12. Emergencies.**

- A. In case of emergency the First Selectman may, or in the best interest of the Town, the Board

of Selectmen may, waive the procedures outlined herein, and the Board of Selectmen may prescribe alternative procedures for specific situations.

- B. Emergency situations shall be those in which the operation of a department would be seriously hampered; or in which life, limb or property may be endangered; or in which the health or welfare of the general public is seriously threatened.

**§ A161-13. When effective; revisions.**

These bidding and purchasing regulations shall become effective as of March 23, 1992, and may be revised or amended from time to time by formal action of the Board of Selectmen.

**§ A161-14. Board of Education transactions.**

Separate procedures shall be established for Board of Education transactions.

**§ A161-15. Conflict with Charter or state law.**

In the event of any conflict between these procedures and the Charter of the Town of Simsbury or the Connecticut General Statutes, these procedures shall be construed to conform to the Charter or statutes, as the case may be.

**§ A161-16. Review and adoption.**

The procedures outlined herein shall be reviewed, amended if necessary, and adopted by the Board of Selectmen on an annual basis. These procedures shall remain in effect until amended.

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## **Chapter A162, RULES OF PROCEDURE**

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[HISTORY: Adopted by the Town of Simsbury as indicated in article histories. Amendments noted where applicable.]

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### **ARTICLE I, Board of Selectmen [Adopted 12-5-2005<sup>EN(5)</sup>]**

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**§ A162-1. Adoption of standards.**

The Board of Selectmen adopts Robert's Rules of Order as a general guide for the conduct of all regular and special meetings.

**§ A162-2. Inclusion of items on agenda.**

When possible, the agenda, along with relevant resource material, will be distributed to the Board members four days prior to the meeting. Items not specifically included on the agenda may be included by a two-thirds vote of those present and voting. Except in emergency and unusual circumstances, action will not be taken on any agenda item so placed until the next meeting. Under no circumstances will any item be added to the agenda later than 9:00 p.m. or two hours after the beginning of the meeting, whichever is earlier. In accordance with Connecticut General Statutes, no items will be added to a special meeting agenda.

**§ A162-3. Placement of items on agenda.**

A member of the Board may have an item placed on the agenda by contacting the First Selectman or Director of Administrative Services at least seven days prior to the meeting.

**§ A162-4. State of the Town Message.**

The First Selectman may present a "State of the Town Message" at the beginning of one regular meeting per month.

**§ A162-5. Public participation.**

One period of not less than 20 minutes may be set aside at the beginning of each regular meeting of the Board of Selectmen to allow members of the public present to address the Board. Each speaker will be limited to five minutes. After all those who wish to speak have done so, previous speakers may be allowed to speak again at the end of the meeting for an additional five minutes, at the pleasure of the Board. When the First Selectman identifies a number of speakers who wish to speak in public audience which would exhaust the time allowed, a shorter period for each speaker shall be set. Any citizen so speaking shall identify him/herself by name and address, and, if he/she is representing a group or organization, he/she may so state. The First Selectman, upon approval by unanimous consent, may allow additional public participation on an agenda item under discussion. From time to time, the Board of Selectmen may schedule special meetings or regular meetings devoted to a particular topic or topics, and the agendas of such meetings may be exempt from the requirements of these rules.

**§ A162-6. Time placement of items.**

When a board, commission, organization, or individual is invited to the meeting to discuss a particular agenda item, that item shall be placed on the agenda at the time requested, if possible.

**§ A162-7. Routine items.**

All other items of a routine nature, such as ratification of bid awards, tax rebates, resignations and appointments, communications, committee reports, etc., shall be placed in the final portion of the agenda.

**§ A162-8. Executive session.**

The Board of Selectmen may enter executive session as permitted by Connecticut General Statutes.

**§ A162-9. Completion of meetings.**

It is the Board of Selectmen's objective to complete meetings by 10:30 p.m. when possible.

**§ A162-10. Expiration.**

These Rules of Procedure will be in effect until the end of the Board's term, December 2007.

## **Chapter A163, SPECIAL ACTS**

[The following is a list of the Special Acts passed by the General Assembly of the State of Connecticut relating to the Town of Simsbury. The complete text of these Special Acts is on file in the Clerk's office.]

**§ A163-1. List of Special Acts.**

<b>Act No.</b>	<b>Approval Date</b>	<b>Subject</b>
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<b>Act No.</b>	<b>Approval Date</b>	<b>Subject</b>
102	3-27-1939	Providing for biennial elections
Unnumbered	5-21-1945	Abating taxes on property of Tariffville Fire District
264	7-22-1945	Collection of taxes and tax liens
Unnumbered	3-29-1949	Procedure to elect members of Zoning Board of Appeals
Unnumbered	7-5-1951	New bridge over Farmington River
119	5-1-1953	Amends Act No. 102 of 1939 regarding officials to be elected
495	7-1-1953	Authorization to establish retirement system
463	5-29-1956	Authorization to establish Town Planning and Zoning Commission
31	4-22-1959	Validation of acts and omissions of Zoning Board of Appeals
32	4-22-1959	Validation of 4-6-1949 Special Town Meeting
25	4-25-1961	Validation of actions of Zoning Commission, Town Planning Commission and Zoning Board of Appeals
75	5-16-1961	Validation of acts and omissions of Zoning Commission
421	7-10-1961	Validation of certain ordinances adopted by Town Meetings
32	5-24-1965	Authorizing Board of Education to present claim to State Department of Education for cost of fire doors and smoke barriers
75-31	5-16-1975	Right of Simsbury Sewer Association to levy sewer liens
85-99	7-8-1985	Payments in lieu of taxes by Metropolitan District to Farmington River watershed towns



<b>Act No.</b>	<b>Approval Date</b>	<b>Subject</b>
87	6-2-1987	Exemption for reimbursing the state for the provision of potable water
90-23	6-6-1990	Authorization of state grant commitments for school building projects
92-14	5-27-1992	Authorization of state grant commitments for school building projects
93-41	6-29-1993	Authorization of state grant commitments for school building projects
96-15	6-12-1996	Authorization of state grant commitments for school building projects
03-6	5-12-2003	Validation of the results of a referendum held 5-21-2002 relating to resolutions appropriating funds for various capital projects

## DISPOSITION LIST

The following is a chronological listing of legislation of the Town of Simsbury adopted since December 1, 2005, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).]

### **§ DL-1. Disposition of legislation.**

<b>Enactment Date</b>	<b>Subject</b>	<b>Disposition</b>
12-5-2005	Board of Selectmen Rules of Procedure amendment	Ch. A162

<b>Enactment Date</b>	<b>Subject</b>	<b>Disposition</b>
10-11-2006	Blighted and unsafe property	Ch. 123
11-7-2006	Charter amendment	Charter

## **Endnotes**

### **1 (Popup - Popup)**

Editor's Note: See Ch. 48, Personnel, and Section 1001 et seq. of the Charter.

### **2 (Popup - Popup)**

Editor's Note: See Ch. 46, Pensions.

### **3 (Popup - Popup)**

Editor's Note: With the addition of this subsection, former Subsection B(4) and (5) was renumbered as Subsection B(5) and (6).

### **4 (Popup - Popup)**

Editor's Note: This resolution also repealed former Ch. A161, Purchasing, adopted 5-30-1990.

### **5 (Popup - Popup)**

Editor's Note: This resolution also superseded former Ch. A162, Rules of Procedure, Art. I, Board of Selectmen, adopted 12-1-2003.